

AMENDED IN SENATE APRIL 26, 2005

AMENDED IN SENATE APRIL 13, 2005

SENATE BILL

No. 1102

Introduced by Senator Hollingsworth

February 22, 2005

An act to amend Section 24002 of, and to add Sections 430.5, 1686, 9955, and 24004.5 to, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 1102, as amended, Hollingsworth. Nonhighway vehicles: restrictions and manufacturer registration.

(1) Existing law regulates the operation of a vehicle and combination of vehicles that is an unsafe conditions or that is not safely loaded, and that presents an immediate safety hazard. Existing law imposes certain disclosure requirements on the sale of motor vehicles and vehicles by licensed dealers, and imposes sanctions for violating these regulations and requirements.

This bill would require a manufacturer who furnishes or gives a nonhighway vehicle, as defined by the bill, to provide a specific written disclosure indicating that the operation of a nonhighway vehicle on a highway is prohibited.

The bill would prohibit the operation of a nonhighway vehicle upon the highway and would authorize a peace officer to cause the removal and impoundment of a nonhighway vehicle operating on a highway in violation of the bill.

(2) Existing law provides extensive regulation governing the sales and distribution by manufacturers of new vehicles in this state.

~~This bill would require the manufacturer of a motorized bicycle, moped, or motorized scooter, motor-driven cycle, motorized quadricycle, or motorized tricycle as those terms are defined, that is~~

~~not subject to registration or identification under the Vehicle Code and is sold in the state to register with the Department of Motor Vehicles.~~

~~(3) Because under existing law it is a crime to violate the Vehicle Code, this bill would impose a state-mandated local program by creating new crimes.~~

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(3) *The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 430.5 is added to the Vehicle Code, to
2 read:

3 430.5. (a) A “nonhighway vehicle” is a vehicle that is not
4 manufactured or designed for highway use. A nonhighway
5 vehicle includes, but is not limited to, a vehicle commonly
6 known as a “pocket bike.”

7 (b) A vehicle is designed for highway use if it meets all federal
8 motor vehicle safety standards contained in Part 571 of Title 49
9 of the Code of Federal Regulations, and as required by this code.

10 ~~SEC. 2. Section 1686 is added to the Vehicle Code, to read:~~

11 ~~1686. The manufacturer of a motorized bicycle, moped, or~~
12 ~~motorized scooter, motor-driven cycle, motorized quadri-cycle, or~~
13 ~~motorized tricycle that is not subject to registration or~~
14 ~~identification under this code and is sold in this state shall~~
15 ~~register with the department.~~

16 ~~SEC. 3.~~

17 *SEC. 2.* Section 9955 is added to the Vehicle Code, to read:

18 9955. (a) A manufacturer who furnishes or gives a
19 nonhighway vehicle shall affix on the vehicle a sticker with a
20 disclosure that the vehicle is prohibited from being operated on a
21 highway.

22 (b) The disclosure required under subdivision (a) shall meet
23 both of the following requirements:

(1) Be printed in not less than 14-point boldface type on a sticker that contains only the disclosure.

(2) Include the following statement:

“THE VEHICLE YOU HAVE PURCHASED OR OBTAINED IS DEFINED AS A NONHIGHWAY VEHICLE. IT IS STRICTLY PROHIBITED FROM BEING OPERATED ON PUBLIC STREETS, HIGHWAYS, AND BICYCLE LANES. IT IS ALSO PROHIBITED FROM BEING OPERATED ON SIDEWALKS, RECREATIONAL PATHS OR TRAILS, AND PUBLIC LANDS. A VIOLATION OF THIS REGULATION MAY RESULT IN PROSECUTION AND IMPOUNDMENT OF THE VEHICLE.”

~~SEC. 4.~~

SEC. 3. Section 24002 of the Vehicle Code is amended to read:

24002. (a) It is unlawful to operate a vehicle or combination of vehicles that is in an unsafe condition, or that is not safely loaded, and that presents an immediate safety hazard.

(b) It is unlawful to operate a vehicle or combination of vehicles that is not equipped as provided in this code.

(c) It is unlawful to operate a nonhighway vehicle on a highway.

~~SEC. 5.~~

SEC. 4. Section 24004.5 is added to the Vehicle Code, to read:

24004.5. (a) A peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, may cause the removal and impoundment of a nonhighway vehicle upon the issuance of a notice to appear for a violation of subdivision (c) of Section 24002. A vehicle so seized may be impounded for not more than 48 hours.

(b) The violator is responsible for all towing and storage charges related to the impoundment.

~~SEC. 6.~~

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section

- 1 17556 of the Government Code, or changes the definition of a
- 2 crime within the meaning of Section 6 of Article XIII B of the
- 3 California Constitution.

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